REMARKS

Favorable reconsideration of this Application in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 195-203 are pending in the present Application. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 195-201 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bassett et al. (U.S. Patent No. 7,010,492, hereinafter "Bassett") in view of Ford (U.S. Patent No. 6,181,364); and Claims 195-201 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bassett in view of Ford and further Venkatesan et al. (U.S. Patent No. 6,898,706, hereinafter Venkatesan).

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 195-201 under 35 U.S.C. § 103 as being unpatentable over Bassett in view of Ford. The Official Action cites Bassett as disclosing all of the aspects of the Applicants' claimed invention, with the exception of a conflict attribute. However, the Official Action cites Ford as disclosing this more detailed aspect of the Applicant's claimed advancements and states that it would have been obvious to one of ordinary skill in the art at the time the advancements were made to combine the cited references for arriving at the Applicant's claims. Applicant respectfully traverses the rejection.

Amended Claim 195 recites, *inter alia*, a data-providing system, including:

> . . . an edit control section configured to perform an editing operation on the attributes of each program data and auxiliary data items, thereby automatically assembling new content data the attributes including a conflict attribute identifying associated content data **which is precluded**

> **from assembly with predetermined other content** data for providing
> new content data; and
> a second data-transmitting section configured to select the
> auxiliary data items to be inserted into the program data in accordance
> with the new content data assembled by the edit control section, thereby to
> transmit a continuous stream of adapted content data that includes
> multimedia content groups, each composed of the program data and the
> auxiliary data items, wherein at least one of the auxiliary data items
> include an effective reproduction date.

Bassett describes a distributed data processing system for decreasing bandwidth usage and for providing increased client customization of programs or events.[1] As shown in Figure 4, a client (400) provides a request (402) for programming content to an originating server (404). The originating server sends the requested programming as a set of the data streams (406) back to the client. The data streams (406) may be used to present programming or events to a user and may comprise one or more video streams components; one on more information stream components, and one or more audio stream components.[2] As shown in more detail in Figure 13, a profile is retrieved from the user system for identifying data streams to be transmitted to a user. In this way, content is tailored based upon user preferences.

Ford describes a system for filtering content from video. As shown in Figure 1, a system (10) filters video so that objectionable content is not displayed to the viewer. In operation, unfiltered video signals are provided to control circuitry (12) by a remote video source (14) and by a local video source (16).[3] User equipment "(18) filters incoming video from the remote video source (14) and local video source (16) and generates filtered video which is provided to a monitor (24). In this regard, the video from the video source (14) and the local video source (16) contain embedded codes to identify the location and nature of

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[1] Bassett at column 5 lines 38-41.
[2] Bassett at column 6 lines 19-33.
[3] Ford at column 3 lines 11-16.

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potentially objectionable events. Typically, such events would include vulgar language or language relating to sex or violence or other objectionable content.[4] As noted at column 5 line 42 to column 6 line 4, substitution event tables are established so that upon encountering a substitution event, suitable content can be combined with the video to avoid presenting the objectionable content to the monitor.

Conversely, in an exemplary embodiment of the Applicant's claimed advancement, content data is provided from a data transmitting section; the content data includes multimedia content groups, each including programming data and auxiliary data. An editing control section is provided to perform an editing operation on the attributes of each program data and auxiliary data items. In this manner, a program stream having attributes corresponding to the editing process may be provided to a user for presenting new content data. The attributes include a conflict attribute identifying associated content data which is precluded from assembly with predetermined other content data for providing new content data.

As can be appreciated, the editing interaction of the claimed advancements enables customization of program data based upon conflict attributes which may identify for example competitive content providers, and limit the use of certain content relative to competitors as recited in new Claim 203.

Simply stated, Ford provides a system for flagging content in video and, upon encountering a flag, seeking alternative content for substitution as dictated by and an index table. In this way, the Ford system simply provides a flag which is used as an index to a table for identifying content to be inserted into a video stream at a designated flag position. Ford does not describe or suggest an attribute which identifies a conflict with associated content

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[4] Ford at column 3 line 57 to column 4 line 11.

data which is **precluded from assembly** with predetermined other content data as recited in Applicant's Claim 195 and any claims depending therefrom.

Accordingly, Applicant respectfully requests that the rejection of Claims 195-202 under 35 U.S.C. § 103 be withdrawn.

<div align="center">REJECTION UNDER 35 U.S.C. § 103</div>

The Official Action has rejected Claim 202 under 35 U.S.C. § 103 as being unpatentable over <u>Bassett</u> in view of <u>Ford</u> and further <u>Venkatesan</u>. The Official Action contends that the combination of <u>Bassett</u> and <u>Ford</u> describe all of the Applicant's claim features with the exception of predetermined conditions relative to the assignment of right for editing attributes of each auxiliary data item. However, the Official Action cites <u>Venkatesan</u> as describing this more detailed aspect of Applicant's claimed advancements and states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made to combine the cited references for arriving the Applicant's claims. Applicant respectfully traverses the rejection.

As noted above, the combination of <u>Bassett</u> and <u>Ford</u> do not disclose all of the features of the Applicant's claims. Likewise, as <u>Venkatesan</u> does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Moreover, Applicant notes that <u>Venkatesan</u> describes a method providing watermarks into video content. As the watermarks simply providing means for tracking the reproduction of content and visually impairing the content, <u>Venkatesan</u> cannot disclose or suggest an auxiliary data item including a validity term and a rule set relative to the assignment of rights for editing the attributes of each auxiliary data item as recited in amended Claim 202.

Accordingly, Applicant respectfully request that the rejection of Claims 195-202 under 35 U.S.C. § 103 be withdrawn.

<u>CONCLUSION</u>

Should the Examiner continue to disagree with the above distinctions, Applicant respectfully requests that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 195-203, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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